REPORT TO COUNCIL

Open				
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Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equality Impact Assessment req'd NO	Risk Management Implications NO

Date of Meeting: 16th November 2026

Nationally Significant Infrastructure Projects (NSIPs) : Overview of the Development Consent Order Process and the Council's Role

RECOMMENDED:

That the Council resolves to:

1. Work with other local authorities across Norfolk in calling for a more strategic and locally accountable approach to Nationally Significant Infrastructure Projects (NSIPs) in the County.

2. Write to the Secretary of State for Energy Security and Net Zero seeking to work collaboratively across Norfolk to press for reforms that put local voices at the heart of planning decisions and ensure that our region is not unfairly burdened.

3. Where appropriate, oppose renewable energy and associated developments in West Norfolk that lack meaningful local support, threaten productive farmland and wildlife, or fail to provide direct local benefit whilst enabling officers to continue to discharge the Council's statutory, regulatory and professional responsibilities in relation to individual proposals.

4. Call for a review of energy distribution and infrastructure policy to ensure Norfolk's role in powering the UK is recognised through local investment, protections for our landscape, and fairer returns for our communities.

5. Evaluate any final decisions of the Secretary of State to ensure they are legally robust, and in the event that a statutory challenge to any decision is warranted in the interests of local residents, to pursue that challenge via legal process in a proportionate way.

1 Background

Nationally Significant Infrastructure Projects (NSIPs) are major infrastructure developments considered to be of national importance. They typically include energy generation and transmission infrastructure, transport projects, water infrastructure and waste facilities. Such projects are determined under the provisions of the Planning Act 2008 and require consent through a Development Consent Order rather than through the conventional town and country planning system.

The NSIP regime was introduced to provide a streamlined consenting process for nationally important infrastructure while ensuring that environmental, technical and community impacts are appropriately assessed. The regime seeks to balance national infrastructure requirements against local considerations.

Development Consent Orders are examined by the Planning Inspectorate on behalf of the relevant Secretary of State. Following examination, the Examining Authority makes a recommendation and the final decision is taken by the relevant Secretary of State. Local planning authorities do not determine NSIP applications but play a significant role throughout the process.

2 National Policy Statements

National Policy Statements (NPSs) provide the primary policy framework against which Development Consent Order applications are assessed. They establish Government policy regarding the need for nationally significant infrastructure and guide decision-making by both the Planning Inspectorate and the Secretary of State.

National Policy Statements:

- Establish the national need for infrastructure.
- Set out Government objectives and strategic priorities.
- Identify matters to be considered during examination.
- Provide guidance on environmental, social and economic issues.
- Inform decisions relating to mitigation and compensation.
- Form the principal basis for determination of DCO applications.

For many projects, the relevant NPS already establishes the national need for development. Consequently, examinations often focus on local impacts, environmental effects, mitigation measures and compliance with policy rather than reconsidering the principle of infrastructure delivery.

In the case of energy infrastructure, relevant National Policy Statements may include:

- EN-1 Overarching National Policy Statement for Energy.
- EN-3 National Policy Statement for Renewable Energy Infrastructure.
- EN-5 National Policy Statement for Electricity Networks Infrastructure.

Whilst the existence of an adopted NPS does not prevent the Council from objecting to a proposal, it does influence the nature of the arguments likely to be afforded significant weight. Local authorities are generally most effective where they focus on

local impacts, adequacy of environmental assessment, mitigation measures and the effectiveness of proposed controls.

It is notable that The DEFRA Land Use Framework for England (2026) (The Land Use Framework for England) does not take a position against renewable energy development on agricultural land. Instead, it argues that England has sufficient land to accommodate food production, nature recovery, housing and renewable energy simultaneously, provided land is used more strategically and efficiently.

3 The Development Consent Order Process

The statutory DCO process comprises seven stages.

Stage 1: Pre-Application

The applicant undertakes consultation with local authorities, statutory consultees, landowners and communities before submission of an application. This is often the most important stage from a local authority perspective because there is a significant opportunity to influence project design and seek mitigation before proposals are finalised. However, changes to the Planning Act and the removal of Statutory Consultation earlier this year have significantly reduced the amount of time some projects will be in the pre-application phase. Consequently, the ability of local authorities to engage in the project design process could be diminished.

Stage 2: Acceptance

The Planning Inspectorate determines whether the submitted application meets the statutory requirements necessary to proceed to examination.

Stage 3: Pre-Examination

Interested Parties register with the process and submit Relevant Representations. The Examining Authority (managed by the Planning Inspectorate) establishes procedural arrangements for the examination.

Stage 4: Examination

The examination is subject to a statutory maximum period of six months. The Examining Authority considers written submissions, representations and hearing evidence.

Stage 5: Recommendation

The Examining Authority prepares its recommendation report for the Secretary of State.

Stage 6: Decision

The Secretary of State determines whether development consent should be granted or refused.

Stage 7: Post-Decision

A statutory challenge period follows the decision. Where consent is granted, the focus moves to implementation, discharge of requirements and compliance monitoring.

4 The Council's Role During the Pre-Application Phase

The pre-application stage represents the principal opportunity for the Council to influence the design, assessment and mitigation of a Nationally Significant Infrastructure Project before an application is submitted to the Secretary of State. Although the Council is not the decision-maker for NSIP applications, if the NSIP is within the Council's administrative boundary, it is what is termed a 'host authority', and has a significant statutory and advisory role in ensuring that local impacts are properly understood and addressed.

As a statutory consultee under the Planning Act 2008, the Council engages with the applicant throughout scheme development, providing advice on local planning, environmental and community matters. This includes identifying potential impacts, highlighting relevant local policy considerations and providing local evidence to inform the preparation of the application and accompanying environmental assessments.

A key focus of the Council's involvement is to secure appropriate mitigation for any adverse impacts arising from the proposed development. This may include seeking amendments to the scheme design, improvements to construction management arrangements, enhanced environmental protection measures, highway improvements, landscaping, community infrastructure, or other measures necessary to address local concerns.

The Council also works closely with the applicant and other stakeholders to identify areas of agreement and disagreement through the development of Statements of Common Ground. Early engagement can help resolve technical matters before an application is submitted, reducing the number of issues requiring detailed examination.

Throughout the pre-application process, the Council coordinates input from specialist officers and external advisors where necessary. This enables the authority to present a robust and evidence-based position on the emerging proposals. The Council will work closely with the County Council to ensure that all environmental topics are addressed by the appropriate authority.

Importantly, the Council's role during pre-application is not limited to facilitating development. The authority may identify significant concerns, request further evidence, seek additional mitigation or, where justified by the evidence, maintain objections to aspects of a proposal. The objective is to ensure that local interests are properly represented and that the impacts of the development are avoided, reduced or compensated for wherever possible.

5 The Council’s Role During Examination

The Council participates throughout the examination process as a local authority, consultee and Interested Party. The Council's role is to ensure that the impacts of proposed development on the borough, local communities and the environment are fully understood, properly assessed and appropriately mitigated.

Relevant Representations

Relevant Representations provide the formal mechanism through which the Council becomes an Interested Party and identifies the principal issues it wishes the examination to consider. They establish the key themes that may subsequently be developed through the Council's more detailed submissions.

Written Representations

Written Representations provide detailed evidence and analysis on the Council's position and can include the Council's position – i.e. whether it supports or objects to the proposed development. They commonly address planning policy, transport, landscape, heritage, ecology, environmental impacts, flood risk and the adequacy of mitigation measures.

Local Impact Reports

The Local Impact Report is one of the most significant documents submitted by a local authority during an examination. It provides an objective technical assessment of the likely effects of the proposal upon the authority's area and informs the Examining Authority's understanding of local impacts.

Statements of Common Ground and Hearings

The Council may participate in written questions, issue-specific hearings, compulsory acquisition hearings and open floor hearings. It also prepares Statements of Common Ground with applicants identifying matters which are agreed and those which remain outstanding.

6 The Council's Ability to Object Whilst Engaging Constructively

A common misconception is that a local authority must either support or oppose a proposal. In practice, the Council may maintain an objection to an application whilst continuing to engage constructively with the applicant and the examination process.

The Council's primary responsibility is to ensure that local impacts are fully assessed and that robust mitigation measures are secured. The Council may therefore:

- Maintain objections where concerns remain unresolved.
- Continue technical discussions with applicants.
- Negotiate mitigation measures and amendments.
- Agree (or disagree) matters through Statements of Common Ground.
- Advocate for additional protections and requirements.

Such engagement should not be interpreted as support for a proposal. Rather, it reflects the Council's responsibility to secure the best possible outcome for residents, businesses and communities should consent ultimately be granted.

The Council is not required to adopt a formal position on an NSIP at the pre-application stage. Generally, the Council will focus on engaging constructively with the applicant at this stage, identifying local impacts and seeking appropriate mitigation.

Notwithstanding, the Council could choose to express an opinion on a project, including whether it supports or objects to the principle of development.

A formal position is generally most appropriately determined once the application has been accepted for examination and sufficient technical assessment has been undertaken by officers, enabling Members to reach an evidence-based conclusion on the likely impacts of the proposal.

In practice, this is often undertaken prior to, or alongside, submission of the Council's Local Impact Report, when the Council has had the opportunity to review the application documentation, consider consultation responses, and assess the effectiveness of proposed mitigation measures. As stated above, the Written Representation often includes the Council's position.

The Council's position may subsequently evolve during the examination process as additional information is provided and outstanding matters are resolved through Statements of Common Ground and other examination procedures. The Local Impact Report itself should remain an objective technical assessment of the likely local impacts of the proposed development and should not be regarded as an objection document.

7 A Strategic Approach for Norfolk

The scale and cumulative impact of existing and emerging energy infrastructure proposals across Norfolk raises wider strategic issues which extend beyond consideration of individual Development Consent Order applications. These include the cumulative impact on communities, landscape, productive agricultural land and the natural environment, together with the extent to which host communities derive identifiable benefits from nationally significant infrastructure.

Given that individual projects are considered within a nationally established policy framework, there is merit in Norfolk authorities working collectively to ensure that the cumulative impact of infrastructure is properly recognised and that local communities have an effective voice in decisions affecting their areas.

It is therefore proposed that the Council works with other Norfolk local authorities to make representations to Government seeking a more strategic and locally accountable approach to the planning and distribution of energy infrastructure. This should include consideration of how areas hosting nationally important infrastructure are appropriately recognised through investment, environmental protection and tangible benefits for affected communities.

In relation to individual proposals affecting West Norfolk, the Council will continue to engage constructively through the DCO process, while retaining the ability to object where evidence demonstrates unacceptable local impacts or where appropriate mitigation cannot be secured.

8 Implications for the Council

The number of nationally significant infrastructure projects affecting Norfolk and the wider region has increased significantly in recent years, particularly in relation to renewable energy generation, electricity transmission and associated energy infrastructure. This trend is expected to continue.

Participation in NSIP examinations requires substantial officer involvement across several disciplines, including:

- Planning.
- Environmental Health.
- Ecology.
- Conservation.
- Landscape.

Many projects also require the Council to commission specialist technical advice and legal support to ensure that proposals are fully assessed and that robust mitigation is secured where necessary. Under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 an Environmental Statement must be prepared by a ‘competent expert’. Similarly, the Council may wish to engage a subject matter expert to review the document. Participation can therefore create additional financial and staffing pressures. However, failure to engage effectively may reduce the Council's ability to influence scheme design, secure mitigation and protect local interests.

The Council's continued ability to respond effectively to nationally significant infrastructure proposals will therefore depend upon maintaining sufficient officer capacity and access to specialist technical expertise.

8 Financial Implications

While no direct financial commitment is sought through this report, participation in NSIP examinations can require officer resources, external consultancy support and legal advice. Resource requirements will continue to be assessed on a project-by-project basis and brought forward through the Council's normal budgetary processes where necessary.

9 Risk Management Implications

Failure to engage effectively in the NSIP process may reduce the Council's ability to influence outcomes, identify impacts, secure mitigation measures and protect the interests of local communities. Early and effective participation assists in mitigating these risks.

10 Conclusion

The NSIP regime provides a nationally led consenting framework for major infrastructure projects. Whilst decisions are made by the relevant Secretary of State, local authorities play a crucial role in assessing local impacts, representing communities, securing mitigation and informing the examination process. Effective engagement throughout the DCO process is essential if the Council is to influence

outcomes and protect the interests of residents, businesses and stakeholders within the borough.